

REMARKS

After entry of the above amendments, the claims pending in the subject application are 1-21 and 23-25. Reconsideration of this application based on the Amendments and Remarks presented herein is respectfully requested.

SPECIFICATION

The double use of "by any" on page 1, line 18 has been deleted.

CLAIM OBJECTIONS

Claim 15 was objected to for lacking a period at the end of the claim and for the use of "them". Upon review, this should be a reference to claim 25. Claim 25 has been amended to add a period to the end of the claim, and "them" was replaced by "a". Also, the other claims were reviewed, and it was discovered that a period was missing from claims 3, 9, and 17. These claims have been amended to include a period.

35 U.S.C. § 101 REJECTIONS

Claim 22 was rejected under 35 U.S.C. § 101 and 35 U.S.C. § 112, second paragraph, as being a product and process claim. These rejections are now moot with the cancellation of claim 22.

35 U.S.C. § 112 REJECTIONS

Claims 16-21 and 23-25 were rejected under 35 U.S.C. § 112, second paragraph.

Claims 23-24 recited the limitation "non-aqueous hydrophobic polymer". Claim 23 has been amended to depend from claim 17, and the "non-aqueous" term has been deleted. Claim 17 contains a reference to "hydrophobic polymer". It is respectfully submitted that claims 23-24 are not indefinite.

Claim 25 recites "adhesive enhancing agent". Claim 25 has been amended to depend from claim 17, which recites the "adhesive enhancing agent".

In claim 17, it was asserted that the term "hydrophilic" was used in place of "hydrophobic". A review of the claim shows that "hydrophobic" is used in the claim.

Claims 16-17 depended from claim 12. Claims 16-17 have been amended to depend from claim 15.

Claims 18-21 depended from claims 14 or 12. Claims 18-21 have been amended to depend from claim 17.

35 U.S.C. § 103 REJECTIONS

Claims 15-19 and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO01/01939 to Yue *et al.* in view of U.S. Patent Application Publication No. 2003/0129148 to Chen.

Yue '939 contemplates several different methods of applying the oral care substance to the oral cavity (page 26, lines 20-21), and Yue '939 describes several previous attempts at delivering oral care compositions (page 2, lines 10-19). Having contemplated several different ways of applying the oral care substance, Yue '939 never contemplates using a dental tray. Yue '939 actually teaches away from using a dental tray because Yue '939 teaches that the oral care substance can be applied to any surface in the oral cavity (page 26, lines 14-20), and the use of a dental tray would prevent the application of the oral care substance to surfaces other than teeth.

Chen '148 only discloses the water soluble polyvinylpyrrolidone thickening agents. Chen '148 does not disclose or suggest using a non-water soluble material.

There is no motivation to combine Yue '939 with Chen '148 because Yue '939 contemplated several alternatives, but none were a combination of the oral care substance with a dental tray. Yue '939 teaches away from such a combination because Yue '939 teaches the application of the oral care substance to the entire oral cavity. Because there is no motivation to combine, and because Yue '939 teaches away from such combination, it is respectfully submitted that claims 15-19 and 20-21 are patentable over WO01/01939 to Yue *et al.* in view of U.S. Patent Application Publication No. 2003/0129148 to Chen.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO01/01939 to Yu *et al.* in view of U.S. Patent Application Publication No. 2003/0129148 to Chen as applied to claims 15-19 and 20-21 above and further in view of United States Patent No. 5,232,702 to Pfister *et al.* Claims 23-25 depend from claim 17. From above, claim 17 is patentable over the cited references. Therefore, these dependent claims are also patentable over the cited references.

Claims 15-21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/34221 to Lawlor in view of U.S. Patent Application Publication No. 2003/0129148 to Chen.

Lawlor '221 discloses a dental care composition that is intended to remain substantive when applied to an oral cavity. The object of Lawlor '221 is to apply a substantive coating to the entire oral cavity, including hard to reach places (page 6, third paragraph and page 28 second paragraph). The intent of Lawlor '221 is not to confine the composition to one area of the oral cavity. In addition, Lawlor '221 describes several different solutions to increasing the substantivity of dental care compositions (page 2, last paragraph to page 4, all). In all of these variations, there is no contemplation of using a dental tray with the dental care composition.

Chen '148 only discloses the water soluble polyvinylpyrrolidone thickening agents. Chen '148 does not disclose or suggest using a non-water soluble material.

There is no motivation to combine Lawlor '221 with Chen '148 because Lawlor '221 contemplated several alternatives, but none were a combination of the dental care composition with a dental tray. Lawlor '221 teaches away from such a combination because the object of Lawlor '221 is to apply the composition to the entire oral cavity, including the hard to reach places. Because there is no motivation to combine, and because Lawlor '221 teaches away from such combination, it is respectfully submitted that claims 15-21 and 25 are patentable over WO 02/34221 to Lawlor in view of U.S. Patent Application Publication No. 2003/0129148 to Chen.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/34221 to Lawlor in view of U.S. Patent Application Publication No. 2003/0129148 to Chen as applied to claims 15-19 and 20-21 above and further in view of United States Patent No. 5,232,702 to Pfister *et al.* Claims 23-25 depend from claim 17. From above, claim 17 is patentable over the cited references. Therefore, these dependent claims are also patentable over the cited references.

Claims 15-21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/34221 to Lawlor in view of United States Patent No. 6,860,736 to Allred *et al.*

Lawlor '221 discloses a dental care composition that is intended to remain substantive when applied to an oral cavity. The object of Lawlor '221 is to apply a substantive coating to the entire oral cavity, including hard to reach places (page 6, third paragraph and page 28 second paragraph). The intent of Lawlor '221 is not to confine the composition to one area of the oral cavity. In addition, Lawlor '221 describes several different solutions to increasing the substantivity of dental care compositions (page 2, last paragraph to page 4, all). In all of these variations, there is no contemplation of using a dental tray with the dental care composition.

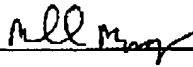
Allred '736 does not disclose or suggest a water insoluble polymer. Additionally, Allred '736 was filed on February 19, 2004. The present application was filed on January 7, 2004. While Allred '736 claims priority to several parent applications, Allred '736 is a continuation in part of these applications. There has been no showing that the subject matter relied on in Allred '736 has support in the parent applications.

There is no motivation to combine Lawlor '221 with Allred '736 because Lawlor '221 contemplated several alternatives, but none were a combination of the dental care composition with a dental tray. Lawlor '221 teaches away from such a combination because the object of Lawlor '221 is to apply the composition to the entire oral cavity, including the hard to reach places. Because there is no motivation to combine, and because Lawlor '221 teaches away from such combination, it is respectfully submitted that claims 15-21 and 25 are patentable over WO02/34221 to Lawlor in view of United States Patent No. 6,860,736 to Allred *et al.*

In view of the amendments and remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC § 101, § 103, and § 112 rejections, rejoinder of claims 1-14, and request that a Formal Notice of Allowance be issued for claims 1-21 and 23-25. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully submitted,

Prencipe *et al.*



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